

**SERIAL NO. 09/930,964****DOCKET NO. 1316.1021CC****REMARKS****INTRODUCTION:**

In accordance with the foregoing, the specification has been amended to update the status of a parent application and to correct apparent typographical errors, and 36 has been amended.

No new matter is being presented, and approval and entry of the foregoing amendments are respectfully requested.

Claims 1-37 are pending and under consideration. Reconsideration is requested.

**INFORMATION DISCLOSURE STATEMENT OF FEBRUARY 21, 2003**

Enclosed with the Office Action, the Examiner provided evidence confirming that the Examiner considered the references submitted with the Information Disclosure Statement filed on August 17, 2001. However, the Office Action did not include confirmation that the Examiner considered the references accompanying the Information Disclosure Statement filed February 21, 2003, the receipt of which is confirmed using the Patent Application Information (PAIR) system. A courtesy copy of the Information Disclosure Statement, as well as evidence of receipt in addition to the indication in the PAIR system can be provided on request.

It is respectfully requested that the Examiner provide confirmation that the Information Disclosure Statement was considered.

**REJECTION UNDER 35 U.S.C. §102:**

In the Office Action at page 2, the Examiner rejects claim 36 under 35 U.S.C. §102 in view of Komma et al. (U.S. Patent No. 5,446,565). This rejection is respectfully traversed and reconsideration is requested.

By way of review, Komma et al. discloses compound objective lenses 45-47 having gratings 26, 32, or 42. Light from a light beam L3 from a light source is transmitted through the gratings 26, 32, or 42 as zeroth order light to form a first light spot S1 as light beam L4, and is diffracted as first order light to form a second light spot S2 as light beam L5. As such, Komma et al. discloses forming multiple light spots S1, S2 using a single light beam L3. (Col. 27, lines 1-8, col. 42, line 45 to col. 43, line 63, FIGs. 4A, 4B, and 19A through 21). However, consistent with the Examiner's statement on page 3 of the Office Action, Komma et al. does not disclose or suggest that the light spots S1, S2 correspond to different light beams, or that the gratings 26, 32, or 42 selectively diffract light beams.

**SERIAL NO. 09/930,964****DOCKET NO. 1316.1021CC**

In contrast, claim 36 recites, among other features, that "at least one part of the at least one holographic region transmits the light beams for use in transmitting the data with respect to the disks of different thicknesses, and at least one other part of the at least one holographic region diffracts one of the light beams so as to adjust a numerical aperture of the objective lens for use in transmitting the data with respect to the disks of different thicknesses." As such, it is respectfully submitted that Komma et al. does not disclose or suggest the invention recited in claim 36.

**STATUS OF CLAIMS NOT REJECTED:**

On pages 2-3, the Examiner allows claims 1-35 and 37.

**CONCLUSION:**

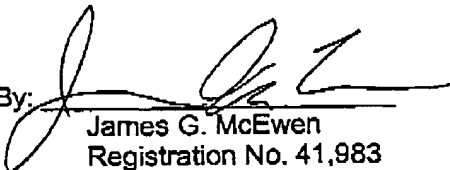
In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By:   
James G. McEwen  
Registration No. 41,983

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

Date: SEPT 1, 2004

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Trademarks.  
on SEPT 1, 2004  
STAAS & HALSEY LLP  
By: [Signature]  
Date: SEPT 1, 2004